

U.S. Patent Appln. No. 10/086,391
Amendment Dated May 26, 2004
Reply to Office Action of Feb. 26, 2004
Docket No. BOC9-2001-0012 (247)

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of February 26, 2004 (Office Action). As this response is timely filed within the three-month shortened statutory period, no fee is believed due. Should a fee be due, however, please charge the fee to Deposit Account No 50-0951.

In paragraph 4 of the Office Action, claims 1, 2, 4-11, 13, 14, 16, 17, 19, 20, and 22-24 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,026,156 to Epler, *et al.* (Epler). In paragraph 6, claim 3 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Epler in view of U.S. Patent No. 5,559,860 to Mizikovsky. In paragraph 7, claims 12, 15, and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Epler in view of U.S. Patent No. 6,108,630 to Kuechler *et al.* (Kuechler) and further in view of U.S. Patent No. 5,930,501 to Neil. In paragraph 8, claims 18 and 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Epler in view of U.S. Publication No. 2002/0146107 to Baals *et al.* (Baals).

In response, claims 1, 3, 5-15, 20, and 21 have been amended to clarify aspects of the present invention. More particularly, independent claims 1, 7, 14, and 20 have been amended to clarify an embodiment of the present invention where an on-line interface is provided through which a participant can associate calling parties with distinctive call waiting tones. Claims 2, 4, 17-18, and 24-25 have been canceled. Claim 26 has been added. Support for these amendments can be found at page 8, lines 11-20 of the Applicants' specification. No new matter has been added.

In reference to the Applicants' previous response, affidavits under 37 C.F.R. § 1.131 were provided supporting the removal of Baals as a reference. The Applicants believe that these affidavits and the accompanying Invention Disclosure were sufficient to overcome Baals. No indication regarding the effectiveness of the affidavits, however, was provided in the Office Action. In light of the affidavits, the Applicants believe the continued use of Baals as a reference is improper.

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In paragraph 4 of the Office Action, claims 1, 2, 4-11, 13, 14, 16, 17, 19, 20, and 22-24 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Epler. Epler discloses a method and system for providing enhanced call waiting telephony functions. In particular, Epler discloses a system where an interrupting party to an established telephone call can be prompted with a courtesy message asking the interrupting party to select one of a plurality of available options for handling the call.

As amended, independent claims 1, 7, 14, and 20 now include a feature relating to providing an on-line interface through which the participant can associate distinctive ring tones with calling parties. This allows the subscriber to go on-line and enter caller names and other information and associate those callers with particular distinctive call waiting tones. This allows a subscriber to manage his or her own enhanced call waiting service via the Web or Internet.

The Examiner has conceded that Epler does not teach or suggest this functionality (See paragraph 8 of the Office Action). Baal, however, was cited as teaching the limitation where a "selection is made through an Internet connection." Baal, however, does not teach or suggest that an on-line interface through which the participant can associate distinctive ring tones with calling parties is provided as clarified by the Applicants' current amendment. Instead, in paragraphs 9 and 27, Baal teaches only that the call waiting service can be provided over IP networks. As such, Baal fails to teach or suggest that an on-line interface can be provided. In any case, the Applicants' affidavit submitted in the previous response overcomes Baal's

In light of the above, withdrawal of the 35 U.S.C. § 102(e) rejection of claims 1, 2, 4-11, 13, 14, 16, 17, 19, 20, and 22-24 is respectfully requested.

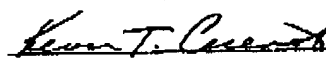
Regarding the 35 U.S.C. § 103(a) rejection of claims 3, 12, 15, 18, 21, and 25, neither Mizikovsky, Kuechler, Neil, nor any combination thereof teaches or suggests the on-line interface feature of the Applicants' invention. As such, the Applicants believe that these claims are allowable due, at least in part, to their dependency upon independent claims 1, 7, 14, and 20.

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The Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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Gregory A. Nelson, Registration No. 30,577
Kevin T. Cuenor, Registration No. 46,283
AKERMAN SENTERFITT
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000